IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APLICATION NO.4150 OF 2005
IN
CRIMINAL APPEAL NO.530 OF 2005

Vijay Vithal Dhotre — Applicant (orig.Accused)

vs.

The State of Maharashtra — Respondent

Mr.Kedar Patil for Mr.Sudatta Patil for the applicant.

Mrs.P.H.Kantharia, APP for the State.

CORAM : SMT. RANJANA DESAI &
SHRI ANOOP V. MOHTA, JJ.

DATED : 13th October 2005

P.C.

The appellant is convicted for offence punishable under Section 302 of the I.P.C. and sentenced to suffer R.I. for life. The appeal has been admitted. We considering the application for bail. The case of the prosecution is that the deceased was having illicit relations with the mother of the appellant. The deceased used to frequently visit their house. This fact was not liked by the appellant. Therefore on 10.7.2004 the appellant gave a blow with an axe on the head of the deceased and killed him. After killing the deceased, the appellant went away by opening the door.

2. We have heard the learned counsel for the appellant. He points out that the only eye-witness is the mother of

the appellant. However, the mother has not implicated the appellant. Though the blood stains were found on the clothes of the accused, blood group of the blood stains is "B" which also happens to the blood group of the accused. All the witnesses have turned hostile. Considering the fact that the appellant is 21 years of age, in our opinion, the appellant deserves to be released on bail.

3. Hence the appellant Vijay Vithal Dhotre is ordered to be released on bail in the sum of Rs.10,000/- with one or two sureties in the like amount. While on bail, the appellant shall visit Tasgaon Police Station once in a month.

4. Application disposed of accordingly.

(SMT. RANJANA DESAI,J.)

(ANOOP V. MOHTA, J.)